

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

JOSEPH DENNY NEZ PERCE, V, and  
FREDDIE GONZALES-VALENTINE,

Plaintiffs,

vs.

C. HAMILTON, B. HICKS, P.  
BROKER, S. NEAL, C. USHER, D.  
BURLEIGH, P. SMITH, GALLATIN  
COUNTY SHERIFF'S OFFICE, and  
GALLATIN COUNTY, MONTANA,

Defendants.

**CV 20-18-BU-BMM-KLD**

**ORDER ADOPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendations in this case on June 17, 2020. (Doc. 5.) Judge DeSoto recommended that Plaintiffs' Motion to Dismiss (Doc. 4) be granted and that the matter be dismissed without prejudice.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc);

*Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *McMillan v. United States*, 112 F.3d 1040, 1044 (9th Cir. 1997) (citations omitted). Reviewing for clear error and finding none,

**IT IS ORDERED** that Judge DeSoto’s Findings and Recommendations (Doc. 5) are **ADOPTED IN FULL**. Plaintiffs’ Motion to Dismiss (Doc. 4) is **GRANTED**. This matter is **DISMISSED** without prejudice. The Clerk of Court is directed to close this matter and enter judgment in favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 6th day of July, 2020.



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Brian Morris, Chief District Judge  
United States District Court